IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSSETTS

ANTHONY BAYAD ,   )
)
)
        Plaintiff ,   )   **CIVIL ACTION**
)
)
)   **CASE NO. 04-cv-10468-GAO**
)
)
JOHN CHAMBERS, PATRICIA   )
RUSSO, ANTHONY   )
SAVASTANO and CARL   )
WIESE,   )
    Defendants ,   )
)

CISCO SYSTEMS INC.'CORRESPONDENCE IN SUPPORT OF PLAINTIFF 'MOTION REQUESTING THE COURT TO NOTIFY THE ATTORNEY GENERAL TO INTERVENE AS MATTER OF DISTRICT COURT'S DISCRETION

I. INTRODUCTION

Plaintiff is introducing " **new Exhibits**" in support of his MOTION REQUESTING

THE COURT TO NOTIFY THE ATTORNEY GENERAL TO INTERVENE AS

MATTER OF DISTRICT COURT'S DISCRETION. These discovered Evidence have

clearly open the gate by showing Cisco Systems, Avaya and its employees conspiring to

defraud the American People for the purpose of impairing, obstructing, or defeating the

lawful function of United State Justice Department. The statue, **18 U.S.C. Section 371,**

defines the offense. Additionally these practices are in violations of **the Federal Trade**

Commission Act, Security Exchange Commission, the Robinson-Patman Act,

the Sherman Act, and many other federal laws. They are proceeding with unlawful
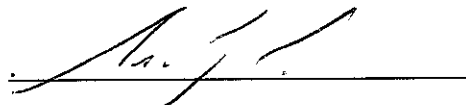
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conduct for their personal gain, as their action consist of theft, conversion or appropriate

of manufacturing technology, **trade secrets, proprietary information, patents and**

copy rights. Moreover Defendants have also violated plaintiff Civil Rights Act Seth forth

by the Congress beside the antitrust-law.

<div align="center">CONCLUSION</div>

Evidence of these crimes as was discovered by Plaintiff shall be referred to Federal

Authorities for investigation at the Court discretion and as deemed appropriate.

Date: April . 5 ., 2004

                                    ANTHON BAYAD
                                    PLAINTFF PRO SE
                                    2 MAGOUN AVENUE
                                    MEDFORD, MA 02155
                                    (781) 704-8982

                                    Anthony Bayad

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CERTIFICATE OF SERVICE

I certify that on April 5, 2004, a copy of this document was served by Anthony

Bayad personally and by hand on :

Lisa Gaulin Esq.
Exchange place
53 State Street
Boston, MA 02109-2804
(617) 2480-5000

&

Mark Batten Esq.
150 Federal Street
Boston, MA 02148

Anthony Bayad

From:	Amado at Navas-Baseball [amado@navas-baseball.com]
Sent:	Sunday, April 04, 2004 10:13 AM
To:	anthonybay2000@yahoo.com; abayad@gicamerica.com
Subject:	First Amendment Right to Protect Myself
Importance:	High

From: Shawna Callahan [scallaha@cisco.com]
Sent: Tuesday, March 16, 2004 7:15 PM
To: scallaha@cisco.com
Cc: nrubin@cisco.com
Subject: Immediate Action Required - Avaya Document

Importance: High
Dear Employee,

It has come to our attention that on or about February 20 you may have received an email with the header, "Avaya response to CiscoCallManager4.0". The email contained an attached document that was entitled "Avaya Competitive Alert".

There is some question as to whether Cisco should have been given this document. To ensure that Cisco employees meet our company's high ethical standards and act in accordance with the law, do not forward this document. Please destroy any hard or soft copies of this document, including any soft copies stored on your computer's hard drive or in your email box. Please respond to this email identifying whether you had this document in your possession, listing the email addresses of anyone to whom you forwarded the document and confirming that the required action was taken to destroy any copies in your possession.

Distribution of confidential competitive documents is a violation of company policy and future violations could be subject to disciplinary action. For your reference, here is the Legal Policy on Using Competitive Documents: http://wwwin-tools.cisco.com/sales/go/marketingmi/copyright?ServiceId=86&ServiceType=1&ModuleId=18120&message_id=85101&module_id=18120.

If you have any questions, please contact Shawna Callahan (scallaha@cisco.com or 408-853-0290) or Neal Rubin (nrubin@cisco.com or 408-853-1705).

Thank you for your prompt attention to this matter.

Shawna Callahan
Ethics Program Office

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Ethics Program Office
WW Diversity & Ethics
Cisco Systems, Inc.

4/4/2004

(http://wwwin.cisco.com/HR/conduct/index.html#proprietary) states the following:

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All employees should comply with the following requirements:

- Confidential information should be received and disclosed only under the auspices of a written agreement
- Confidential information should be disclosed only to those Cisco employees who need to access it to perform their jobs for Cisco
- **Confidential information of a third party should not be used or copied by any Cisco employee except as permitted by the third-party owner (except as permitted in a written agreement between Cisco and the third party owner)**
- **Unsolicited third-party confidential information should be refused or, if inadvertently received by an employee, returned unopened to the third party or transferred to the Cisco Legal Department for appropriate disposition**
- Employees must refrain from using any confidential information belonging to any former employers (with the exception of any such information acquired by Cisco), and such information must never be brought to Cisco or provided to other employees. For more information, refer to the Guidelines Regarding Proprietary Information of Former Employers

4/4/2004

Anthony Bayad

From: Amado at Navas-Baseball [amado@navas-baseball.com]
Sent: Sunday, April 04, 2004 9:57 AM
To: abayad@gicamerica.com; anthonybay2000@yahoo.com
Subject: First Amendment Right to Protect myself
Importance: High

To: 'abayad@gicamerica.com'; 'anthonybay2000@yahoo.com'
Subject: FW: Avaya Email

Importance: High

-----Original Message-----
From: Rob Learned (rlearned) [mailto:rlearned@cisco.com]
Sent: Wednesday, March 17, 2004 11:23 AM
To: Seteam
Subject: Avaya Email

Team,

   If you have received anything from Shawna Callahan questioning the Avaya email that was passed to you, please comply with her request. No one is any trouble they are simply investigating whether it should have been passed around.

Rob Learned, CCIE #4857
SEM Southeast Channels
400 Carillon Parkway, Suite #220
St. Petersburg, FL   33716
Direct: (727) 540-1452
Mobile: (727) 480-5654
Page: (800) 365-4578
Email: rlearned@cisco.com

4/4/2004

Anthony Bayad

From: Amado at Navas-Baseball [amado@navas-baseball.com]
Sent: Sunday, April 04, 2004 9:59 AM
To: anthonybay2000@yahoo.com; abayad@gicamerica.com
Subject: First Amendment Right to Protect my family

To: 'abayad@gicamerica.com'
Cc: 'anthonybay2000@yahoo.com'
Subject: FW: Avaya response to CiscoCallManager4.0

Importance: High

-----Original Message-----
From: Rob Learned (rlearned) [mailto:rlearned@cisco.com]
Sent: Sunday, February 22, 2004 10:04 PM
To: Seteam
Subject: FW: Avaya response to CiscoCallManager4.0

Team,

After some clarification from Joel. I probably should not have sent this to all of you. Let go a head and delete the file and forget about it. I originally thought you might find it interesting, but after thinking about it and have some things pointed out to me by Joel (See below) we should get rid of it.

Thanks,

Rob Learned, CCIE #4857
SEM Southeast Channels
400 Carillon Parkway, Suite #220
St. Petersburg, FL 33716
Direct: (727) 540-1452
Mobile: (727) 480-5654
Page: (800) 365-4578
Email: rlearned@cisco.com

From: Joel Barrett [mailto:joel.barrett@cisco.com]
Sent: Sunday, February 22, 2004 9:53 PM
To: rlearned@cisco.com
Subject: RE: Avaya response to CiscoCallManager4.0

It's unethical to distribute it because it's obviously from Avaya and every page is marked, "Avaya Inc. Proprietary. Use pursuant to the terms of your signed agreement or company policy."

We wouldn't want someone from Avaya looking at documents we mark Proprietary or Confidential, therefore it's unethical for us to be viewing their's.

In addition, in our "Code of Business Conduct", the "Proprietary Information" section

4/4/2004

(http://wwwin.cisco.com/HR/conduct/index.html#proprietary) states the following:

_____

All employees should comply with the following requirements:

- Confidential information should be received and disclosed only under the auspices of a written agreement
- Confidential information should be disclosed only to those Cisco employees who need to access it to perform their jobs for Cisco
- **Confidential information of a third party should not be used or copied by any Cisco employee except as permitted by the third-party owner (except as permitted in a written agreement between Cisco and the third party owner)**
- **Unsolicited third-party confidential information should be refused or, if inadvertently received by an employee, returned unopened to the third party or transferred to the Cisco Legal Department for appropriate disposition**
- Employees must refrain from using any confidential information belonging to any former employers (with the exception of any such information acquired by Cisco), and such information must never be brought to Cisco or provided to other employees. For more information, refer to the Guidelines Regarding Proprietary Information of Former Employers

4/4/2004

AVAYA

Competitive Alert

Avaya obtained the information contained in this document from industry consultants, customers, published research, trade journals and internal research. To the best of our knowledge, this report is based on the most current information available. Although every effort has been made to assure freedom from errors, Avaya Inc. is not responsible for the accuracy of all the information contained in this document.

Written by Jamie Weiss, ECG Technical Marketing 02/09/04

Within the next few days it is expected that Cisco will announce the next release of CallManager software, Release 4.0. In preparation for the press announcement and subsequent hype we have prepared the following document to assess the market impact of CallManager 4.0. In addition this Alert is intended to provide the relevant competitive positioning to keep the focus on Avaya's strengths and to avoid getting bogged down in the rhetoric that often accompanies these moves. In addition to the press release we can expect to see a customer testimonial and quotes as well as broad press coverage as if it were an industry shaping event. The key message to keep in mind in viewing the information is that most of what is being announced is simply trying to achieve parity with what Avaya already provides customers. Moreover, there are still significant gaps in the capabilities of their offers. Also, the ability that our channels add to deliver a solution that provides true customer value remains a distinct competitive advantage.

COMPETITIVE SUMMARY

For detailed information please see the Cisco press release posted on Cisco's web site http://newsroom.cisco.com/dlls/index.html. The following summarizes the major enhancements. These are categorized in four areas;

- ➢ New Features
- ➢ Feature Enhancements
- ➢ Security Enhancements
- ➢ Management & Serviceability Enhancements

Each of these will be explored individually, however as there is quite a bit that is new not everything will be covered in detail. Instead we will focus on the more significant changes.

New Features:

- ➢ Web Dialer – Previously available as a separate downloadable application this is now included in the core CallManager 4.0 feature set. Allows a user access to a web based corporate directory from which they can click to dial.
- ➢ IP Communicator Support (New Softphone) - This is a significant change to their Softphone. The Softphone is now based on their proprietary Skinny Station Protocol (SCCP) instead of JTAPI. This provides improvement in two areas:
  - o Expected feature parity with hard phones
  - o Reduces device weight for Softphones from 3 to 1.
- ➢ SIP Trunk Support
  - o Allows for inter-cluster communications via SIP Trunk
  - o Interoperability with Cisco SIP proxy server
- ➢ MLPP – Multi-Level Precedence and Preemption has been added specifically for Federal Government sales.
- ➢ Malicious Call Trace – adds some Malicious Call Trace features into CallManager.
- ➢ New Phones – re-announcement of 7970G Touch Screen phone & 7936 IP Conference phone previously announced in the fall.

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MARKET IMPACT & POSITIONING

While there are a significant number of new features and enhancements this release can very accurately be characterized as "catch up". CallManager 4.0 simply is adding some, but not all, of the capabilities that enterprises have come to expect. While they may have closed that gap in some respects there are still issues that they have not addressed. These would be characterized by the capabilities that they have yet to address as well as limitations in the new capabilities they are introducing. The following summarizes a few of the ones we are aware of. There may be others but these are simply the obvious ones based on the limited pre-release information that was available.

New Features:

Web Dialer – This is still a separate application and nothing new. All that has changed is that it is now packaged with CallManager. Limitations include:
- It is not integrated into the Softphone
- Limited to a corporate directory
- Does not enable telephone numbers in web pages to be dialed similar to the capabilities of the Avaya Softphone.

IP Communicator – While support of Skinny Station Protocol does solve two of the significant outages, scalability and feature support, there are still gaps. Most notably:
- Lack of support on SRST. This means that mobile workers cannot use Softphones in branch offices unless a full CallManager server is deployed. Due to limitations of scalability and networking of multiple CallManager servers this is unlikely as their primary offer in small offices is still SRST.
- No integration of SIP, Presence, or Instant Messaging into the Softphone.

SIP Trunk Support – These capabilities are provided in Communication Manager 2.0 and the new Avaya Converged Communication Server. Additionally, the Cisco SIP Proxy server is a unique application that has a distinctive administrative interface from the Cisco CallManager increasing administrative overhead for the customer.

MLPP – In order to sell this solution to the Federal Government, and specifically the Department of Defense, it needs to be certified by the Defense Information Systems Agency/Department of Defense Joint Interoperability-testing (DISA/JTIC). Avaya has achieved this certification. Cisco has not certified their MLPP solution or CallManager. Until they do this is an empty offer.

Malicious Call Trace - Another enhancement to attempt to close the gap in feature disparity. This is Cisco's first attempt at incorporating MCT into the CallManager software instead of relying upon a 3rd party application. Not all capabilities of MCT as provided in Communication Manager are included.

New phones – This is actually a re-announcement of devices, which were previously introduced in September, and now just becoming available. The 7970 is a color touch screen telephone that trailed Avaya's offer to the market by roughly a year and requires local power to provide full functionality.

Feature Enhancements:

IP Phone Line Features – While the number of call appearances has increased not much else has changed. Additionally while the software allows for up to 20 appearances of a directory number, most phones that Cisco sells will not support additional line appearances.

Hunt Groups - Without some kind of basic ACD capability these enhancements are virtually meaningless. There are very few applications that drive value in a customer's business that can be supported with hunt groups.

Media Resources – It is not quite clear how increasing the number of DSPs in a router equates to an enhancement in CallManager software? The annunciator capability is a nice addition to provide information in conjunction with MLPP but is limited in its usefulness since it cannot be used for anything else.

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Feature Enhancements:

> - IP Phone Line Features – Cisco has expanded the number of call appearances per extension number from 2 to 20.
> - Hunt Groups – Added circular and broadcast to hunt group types. **STILL NO INHERENT ACD CAPABILITY!**
> - Media Resources – Expanded the number of DSPs available in some gateways. Also introduced new Annunciator capability. Allows for custom announcements to be played in conjunction with MLPP. **Only used with MLPP. Not a delayed announcement for Contact Center applications.**
> - IP Manager Assistant – Separate application that is used to emulate shared lines (bridged appearances) now incorporated into CallManager 4.0 package. It still requires the application but no longer sold separately.
> - Expanded QSig Support – Have added diversion capability, support for message waiting indication and path replacement, which are required for shared voice mail applications.

Security Enhancements:

> - Cisco Security Agent (CSA) Support – Provides Host intrusion detection to block out unknown files or applications.
> - Phone Hardening –
>   - Prohibits sniffing of packets by plugging into phone
>   - Provides phone firmware identification
>   - Requires verification of config. file before allowing download
> - Server OS Hardening –
>   - New hardware security tokens
>   - Prevents rogue phones
>   - Embedded token on "select" phones
>   - Forced NT Authentication to SQL database
> - Signaling Security Hardening – checks security patches between CallManager and phones
> - Media Integrity & Privacy – AES media encryption on "select" phones
>   - 7940
>   - 7960
>   - 7970

Management & Serviceability Enhancements:

> - Real Time Monitoring Tool
>   - Moved onto standalone server to enhance performance
>   - Now always running instead of just when accessed via GUI
>   - Includes some pre-packaged reports to reduce amount of customization required to be functional.
> - API Enhancements
>   - Enhancements to improve performance
>   - Allows custom reports to be written to view real time performance
> - Trace Collection Tools – new tool to improve setting up traces
> - Multi-level Administration - Previously available as a separate download. Now incorporated into CallManager 4.0.
>   - Can create separate administrative IDs with different permission levels.